TEXAS DEPARTMENT OF INSURANCE
Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)
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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name
PRC HEALTH SERVICES

Respondent Name
INSURANCE CO OF THE STATE OF PA

MFDR Tracking Number
M4-17-2665-01

Carrier's Austin Representative
Box Number 19

MFDR Date Received
May 9, 2017

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "...Bills were originally denied due to the following: - Fee schedule... The services in question have been approved by the carrier's utilization review department... We feel our facility should be paid according to the fee schedule guidelines."

Amount in Dispute: $ 1,000.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "This extent of injury was also adjudicated non-compensable per the attached CCH Decision and Order and Order and Appeals Panel Decision affirming. Additionally, for the accepted compensable conditions, the services are not reasonable and necessary according to the attached peer review dated 04/07/2016 and the ODG."

Response Submitted by: AIG

SUMMARY OF DISPUTED SERVICE(S)

Date(s) of Service	Disputed Service(s)	Amount In Dispute	Amount Due
January 20, 2017 and January 23, 2017	97799-CP	$1,000.00	$1,000.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.600 sets out the guidelines for preauthorization, concurrent review, and voluntary certification of healthcare.
3. 28 Texas Administrative Code §134.204 sets out the sets out the fee guidelines for the workers' compensation specific services.
4. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
   - 1 – Workers' compensation jurisdictional fee schedule adjustment
   - 2 – Workers' compensation Medical Treatment adjustment
   - 4 – Payment is 80 percent of the MAR for CARF-accredited program. Documentation of CARF-accreditation for the program must be provided

Issue(s)

1. Does the respondent's position statement address only those denial reasons presented to the requestor prior to the date the request for MFDR was filed?
2. Did the insurance carrier submit documentation to support the denial reasons raised during the medical bill review process?
3. Did the requestor submit documentation to support that CPT Code(s) 97799-CP rendered on January 20, 2016 and January 23, 2016 were preauthorized?
4. What are the rules that apply to chronic pain management reimbursement?
5. Is the requestor entitled to reimbursement?

Findings

1. The insurance carrier's position summary states in pertinent part, "This extent of injury was also adjudicated non-compensable per the attached CCH Decision and Order and Order and Appeals Panel Decision affirming. Additionally, for the accepted compensable conditions, the services are not reasonable and necessary according to the attached peer review dated 04/07/2016 and the ODG." The Division reviewed the EOBs presented by the parties in this dispute and finds that the defense raised in the insurance carrier's position summary was not a denial defense identified on the EOBs contained in the DWC060 request, or that this defense was raised by the insurance carrier during the medical bill review process.

   28 Texas Administrative Code §133.307(d)(2)(F) states that " The response shall address only those denial reasons presented to the requestor prior to the date the request for MFDR was filed with the division and the other party. Any new denial reasons or defenses raised shall not be considered in the review."

   The respondent did not submit sufficient information to MFDR to support that the new defense raised on the position summary had ever been presented to the requestor or that the requestor had otherwise been informed of the new denial reason or defense prior to the date that the request for medical fee dispute resolution was filed with the Division; therefore, the Division concludes that the respondent has waived the right to raise such additional denial reasons or defenses. Any newly raised denial reasons or defenses shall not be considered in this review.

2. The requestor seeks reimbursement for CPT Code 97799-CP rendered on January 20, 2017 and January 23, 2017. The insurance carrier denied the disputed charges with denial reduction codes "1 – Workers' compensation jurisdictional fee schedule adjustment", "2 – Workers' compensation Medical Treatment adjustment" and "4 – Payment is 80 percent of the MAR for CARF-accredited program. Documentation of CARF-accreditation for the program must be provided."

   Review of the EOBs presented by requestor does not support that the insurance carrier issued a payment for the disputed CPT Code 97799-CP rendered on January 20, 2017 and January 23, 2017. As a result, the insurance carrier's denial reasons indicated above are not supported. The disputed services are therefore reviewed pursuant to the applicable rules and guideline.

3. The requestor seeks reimbursement for non-CARF accredited chronic pain management services, CPT Code 97799-CP. Per 28 Texas Administrative Code §134.600 "(p) Non-emergency health care requiring preauthorization includes: (10) chronic pain management/interdisciplinary pain rehabilitation."

   The requestor submitted a copy of a preauthorization letter issued by HDI Health Direct, Inc., dated December 23, 2016 authorizing a chronic pain management program for 80 hours with a begin date of December 23, 2016 and an expiration date of February 6, 2017. The disputed services were rendered on January 20, 2017 and January 23, 2017 with-in the preauthorized timeframes.

   Per 28 Texas Administrative Code §134.600 "(c) The insurance carrier is liable for all reasonable and necessary medical costs relating to the health care: (B) preauthorization of any health care listed in subsection (p) of this section that was approved prior to providing the health care."

   As a result, the requestor is entitled to reimbursement for the disputed services, pursuant to 28 Texas Administrative Code §134.204.

4. Per 28 Texas Administrative Code §134.204 (h)(1)(A-B) states in pertinent part, "The following shall be applied to Return To Work Rehabilitation Programs for billing and reimbursement of Work Conditioning/General Occupational Rehabilitation Programs, Work Hardening/Comprehensive Occupational Rehabilitation Programs, Chronic Pain Management/Interdisciplinary Pain Rehabilitation Programs, and Outpatient Medical Rehabilitation Programs. To qualify as a Division Return to Work Rehabilitation Program, a program should meet the specific program standards for the program as listed in the most recent Commission on Accreditation of Rehabilitation Facilities (CARF) Medical Rehabilitation Standards Manual, which includes active participation in recovery and return to work planning by the injured employee, employer and payor or carrier. (1) Accreditation by the CARF is recommended, but not required. (A)

If the program is CARF accredited, modifier "CA" shall follow the appropriate program modifier as designated for the specific programs listed below. The hourly reimbursement for a CARF accredited program shall be 100 percent of the MAR. (B) If the program is not CARF accredited, the only modifier required is the appropriate program modifier. The hourly reimbursement for a non-CARF accredited program shall be 80 percent of the MAR."

Review of the submitted documentation finds that the requestor billed CPT code 97799-CP and did not appended modifier –CA to identify that the chronic pain management program is CARF accredited, as a result, reimbursement is calculated at 80% of the MAR pursuant to 28 Texas Administrative Code §134.204 (h).

To determine reimbursement for a chronic pain management program, the division applies the following:

28 Texas Administrative Code §134.204 (h) (1) (B) if the program is not CARF accredited, the only modifier required is the appropriate program modifier. The hourly reimbursement for a non-CARF accredited program shall be 80 percent of the MAR.

28Texas Administrative Code §134.204 (h) (5) (A) (B) "The following shall be applied for billing and reimbursement of Chronic Pain Management/Interdisciplinary Pain Rehabilitation Programs. (A) Program shall be billed and reimbursed using CPT Code 97799 with modifier "CP" for each hour. The number of hours shall be indicated in the units column on the bill. CARF accredited Programs shall add "CA" as a second modifier. (B) Reimbursement shall be $125 per hour. Units of less than one hour shall be prorated in 15 minute increments. A single 15 minute increment may be billed and reimbursed if greater than or equal to eight minutes and less than 23 minutes."

The Maximum Allowable Reimbursement (MAR) is found below:

Date of Service	Submitted Code	Submitted Charges	Units	80% MAR $125 X 80% = $100.00 (MAR)	Paid Amount	Amount Due
September 20, 2016	97799-CP	$500.00	4	$100 x 4 = $400.00	$0.00	$400.00
September 23, 2016	97799-CP	$750.00	6	$100 x 6 = $600.00	$0.00	$600.00
TOTAL		$1,250.00	10	$1,000.00	$0.00	$1,000.00

5. Review of the submitted documentation finds that the requestor is entitled to reimbursement in the amount of $1,000.00. As a result, this amount is recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is $1,000.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of $1,000.00 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

		June 23, 2017
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.